

REMARKS

The Applicant thanks the Examiner for the consideration given the present application.
Claims 1 - 23 are pending.

The Obviousness Double-Patenting Rejection

Claims 1 – 23 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 and 1-8 of U.S. Patent Nos. 6,290,997 and 6,180,159, respectively. The Applicant respectfully traverses this rejection because the claims of the present invention are patentably distinct from the claims of cited patents.

However, to simplify the issues in the present application, Applicant concurrently submits with this response the appropriate Terminal Disclaimer over the two issued US Patents. In submitting this Terminal Disclaimer, the Applicant states for the record that this Disclaimer is not an admission of obviousness in view of the cited U.S. application. *Quad Envil. Corp. v. Union San. Dist.*, 20 USPQ2d 1392 (Fed. Cir. 1991). Thus, the Applicant respectfully asks for withdrawal of the obviousness-double patenting rejection.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the Examiner's rejection of Claims 1-23 under the judicially created doctrine of obviousness-type double patenting has been overcome. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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